

### **DETAILED ACTION**

Applicant's response and amendments to claims (along with the 1.132 affidavit) filed with the office on April 11<sup>th</sup> 2008 is duly acknowledged.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Shmuel Livnat (attorney of record) on June 4th 2008.

The application has been amended as follows:

#### ***In The Claims***

Claims 67, 68 and 83-95 have been cancelled by this Examiner's amendment.

Claims 49-66 and 69 have been allowed by this Examiner's amendment as follows:

Claim 65 has been amended to recite the following:

65. The composition according to claim 63, further comprising an agent selected from the group consisting of listeriolysin, a surface disinfectant, an antibiotic, a surfactant, an enzyme, and a phage that lyses contaminating bacteria other than *Listeria monocytogenes*.

The following is an examiner's statement of **reasons for allowance**:

Applicant's arguments and evidentiary support regarding the novelty of phage P100 and the differences between phage P100 and phage A511 (see response, pages 10-11, and page 13, 3<sup>rd</sup> paragraph; and applicant's affidavit submitted under 1.132,

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page 2, in particular) is found to be persuasive. The composition comprising phage P100 and the method of its use as currently claimed in the instant claims 49-66 and 69 are found to be free of the cited prior art, and are deemed unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SATYENDRA K. SINGH whose telephone number is (571)272-8790. The examiner can normally be reached on 9-5MF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Satyendra K. Singh/  
Examiner, Art Unit 1651

/Irene Marx/  
Primary Examiner, Art Unit 1651